

**The smart ones are going green, the dumb ones are not,
and the foolish ones are pretending.**

David Krents, on corporate environmental policy,
quoted in *Globe and Mail* (Toronto)

13 October 1990

Forum

California Bans Pesticides

After requesting that studies be submitted on the toxicity of 200 chemicals commonly used in pesticides, officials at the California Department of Pesticide Regulation (DPR) have decided that not enough is known about three of these chemicals to allow their continued use in the state. By the beginning of October, the manufacturers of 23 pesticide products that contain these chemicals will have been notified by the department that their products are no longer registered for manufacture or sale in California, according to Veda Federighi, communications director for the DPR.

The suspension will involve products containing the fungicide chloreneb, the wood preservative creosote, and aromatic petroleum distillates, which are commonly used in insecticides. The DPR said it is suspending products that contain these compounds because manufacturers failed to comply with a March 30 deadline for submitting toxicity studies showing that the compounds are safe. After the suspension takes effect, registrants will be prohibited from making or selling the products, but retail dealers will have two years to sell their remaining stocks. In addition, the suspension will be lifted and the registration reinstated if manufacturers submit all required studies after the suspension takes effect or if the manufacturer can show that use of the chemical results in insignificant human exposure.

According to Jacqueline Fernet, coordinator of corporate communication for Reilly Industries, Inc., one of the companies that sold creosote products in California, her company simply decided that completing the requested toxicity studies was not cost efficient. "[The suspension] certainly affects Reilly, but in a small way," Fernet

said. "We tried, along with other suppliers, to get [California] to accept testing we were currently doing for the EPA, but apparently they didn't feel it was sufficient." Fernet said that creosote is not a particularly hazardous chemical, but that "it is a chemical that must be dealt with appropriately."

The process of collecting data on the 200 chemicals came about as a result of the 1985 Birth Defects Prevention Act (SB 950), which mandated that the state collect data on all pesticide active ingredients so that potential chronic health effects could be evaluated. For each pesticide ingredient, 10 studies are usually required, including animal studies on chronic toxicity, oncogenicity, teratogenicity, reproductive toxicity, genotoxicity, neurotoxicity, and mutagenicity. A 1991 amendment to the law required that companies using any of the 200 chemicals in their products supply the department with any missing studies or face suspension of their registrations. "It is similar to the data collection going on

at the federal level, but on a more expedited schedule," said James W. Wells, director of the DPR, in a press release. "No state has ever attempted to master the logistics of such an undertaking or the science required to support it."

Though almost all data have been submitted, Federighi says, "The real work of SB 950 begins now." According to Federighi, scientists at the

DPR must now review all submitted studies and make sure that the data are adequate according to EPA guidelines. Next, the data will be scanned for any significant adverse effects brought to light by the studies. "Based on our findings," Federighi said, "we will . . . prioritize the chemicals for risk assessment. If we get something that's a real red flag, we will act on it immediately." After it is finished dealing with all 200 "priority chemicals," the department must then face the larger task of going through the

same process for all other pesticide active ingredients.

Chloroneb, creosote, and aromatic petroleum distillates are not the only three pesticide ingredients out of the original 200 that will no longer be registered with the DPR for use in California. As a result of the SB 950 legislation, registrations were not renewed or were withdrawn by the manufacturers of products containing 44 other active ingredients. Some of these registrants withdrew their products rather than pay for costly toxicological testing, although, according to the DPR, other factors were often involved. Products containing seven other active ingredients had their registrations revoked for failure to comply with earlier data submission requirements.

All data requirements have been met for 144 compounds, including diphacinone and formaldehyde, which were in danger of suspension earlier this year. Because of 1996 legislation, studies on two chemicals, methyl bromide and pentachlorophenol, are not due until December 1997.

Federal Agencies Scrutinize Lung Surgery

When St. Louis surgeon Joel Cooper began experimenting with a new form of lung surgery in 1993, emphysema patients rejoiced. For many, his lung volume reduction surgery (LVRS) offered their only hope for resuming a normal life. Traditional treatment, with drugs and rehabilitation, provides only temporary relief and, while lung transplant offers a cure, its high risk severely limits its use.

As news of Cooper's promising surgery spread, surgeons nationwide adopted his technique. More than 3,000 emphysema patients had received LVRS by December 1995, when officials from the Health Care Financing Administration made the surprising announcement that Medicare would no longer cover the costly procedure. "There [were] not enough data for us to assess the risks and benefits," explained Steven Sheingold, director of HCFA's technology and special analysis staff.

HCFA's decision prompted a flurry of protest from many of the 2 million Americans suffering from emphysema. Last April, HCFA officials announced they

